

Message

From: Michael A. Leon [MLeon@nutter.com]
Sent: 4/29/2019 1:50:56 PM
To: 'Bryan, Patrick (ENRD)' [Patrick.Bryan@usdoj.gov]
CC: Matthew Snell [MSnell@nutter.com]; Chin, William [chin.bill@epa.gov]; Olivier, Tom [olivier.tom@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Weigert, David (ENRD) [David.Weigert@usdoj.gov]
Subject: RE: U.S. v. Global Partners LP -- update and request

Sure. Your office number?



Michael A. Leon
Nutter McClennen & Fish LLP
Direct / 617-439-2815

From: Bryan, Patrick (ENRD) [mailto:Patrick.Bryan@usdoj.gov]
Sent: Monday, April 29, 2019 9:50 AM
To: Michael A. Leon <MLeon@nutter.com>
Cc: Matthew Snell <MSnell@nutter.com>; Chin, William <chin.bill@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Weigert, David (ENRD) <David.Weigert@usdoj.gov>
Subject: [External] Re: U.S. v. Global Partners LP -- update and request

Yes. Could I give you a ring at 11am?

On Apr 29, 2019, at 9:48 AM, Michael A. Leon <MLeon@nutter.com> wrote:

Patrick,

Thanks for the update. We would appreciate an explanation for the decision on the extension. Is there a time you are available for a short call this morning?

Michael



Michael A. Leon
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Direct / 617-439-2815

From: Bryan, Patrick (ENRD) [mailto:Patrick.Bryan@usdoj.gov]
Sent: Monday, April 29, 2019 9:39 AM
To: Michael A. Leon <MLeon@nutter.com>; Matthew Snell <MSnell@nutter.com>
Cc: Chin, William <chin.bill@epa.gov>; 'Olivier, Tom' <olivier.tom@epa.gov>; 'Spina, Providence' <Spina.Providence@epa.gov>; Weigert, David (ENRD) <David.Weigert@usdoj.gov>
Subject: [External] U.S. v. Global Partners LP -- update and request

Hi Michael and Matt –

Good morning. I wanted to give you an update on where things stand on the public comment period, and to seek your cooperation with regard to service of process.

1. Public comment period: as you know, the thirty-day public comment period opened on April 1, 2019, with the publication of the Federal Register notice. The public comment period currently expires on May 1, 2019. We have received a request from the City of South Portland to extend the public comment period through July 1, 2019. Please note that we intend to grant the City's request and publish soon in the Federal Register a notice extending the comment period accordingly. If you'd like to discuss the reasons why we think an extension through July 1, 2019 is appropriate under the circumstances, please give me a call and I'd be happy to discuss.
2. Service of Process: under Rule 4(m) of the Federal Rules of Civil Procedure, service of summons/complaint must be completed within 90 days after the complaint is filed. Under Rule 4(d), a plaintiff may request that a defendant waive the in-person service of the complaint/summons. As you may know, this involves sending a waiver of service form (which is available through the Court's website) for the defendant's signature. Once the defendant signs the form, the plaintiff then files the waiver form with the Court to show that Rule 4 has been satisfied. Because we have a settlement pending, we'd appreciate your agreeing to waive service of process under Rule 4(d) to avoid the United States' incurring the time and expense of hiring a process server. If you are agreeable to waiving service under Rule 4(d), please let me know and we will send the appropriate forms/documents.

Thanks, and best regards.

Patrick B. Bryan

Trial Attorney

United States Department of Justice

Environment & Natural Resources Division

Environmental Enforcement Section

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